# UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS 2012 JUL -5 AM 8: 47

DENNIS DANE BOTKIN Plaintiff	OTERN DISTRICT COURT WESTERN DISTRICT COURT OF COURT WESTERN DISTRICT COURT WESTERN DISTRICT COURT OF COURT OF COU
vs	
REDLINE RECOVERY	)
SERVICES LLC.	) Judge
Defendant	
	Trial by Jury Demanded

# ORIGINAL COMPLAINT FOR VIOLATIONS OF THE FCRA

# **JURISDICTION**

- 1. This court has jurisdiction under 15 U.S.C. §1681p and 28 U.S.C §1331.
- 2. All conditions precedent to the bringing of this action have been performed.

### **PARTIES**

- 3. The Plaintiff in this lawsuit is Dennis Dane Botkin, a natural person, who resides in Williamson County, Texas.
- 4. The Defendant in this lawsuit is REDLINE RECOVERY SERVICES LLC. a Limited Liability Co. with offices at 5959 Corporate Drive, Suite 1400, Houston, Texas 77036.

### **VENUE**

- 5. The occurrences which give rise to this action occurred in Williamson County, Texas and Plaintiff resides in Williamson County, Texas.
- 6. Venue is proper in the Western District of Texas.

### **GENERAL ALLEGATIONS**

- 7. Plaintiff obtained his consumer credit reports from the three major credit reporting agencies and found entries by entities that he was unfamiliar with in the reports.
- 8. Plaintiff determined that his consumer credit report had been obtained on various occasions by various entities he did not recognize and without his consent.
- 9. Plaintiff found after examination of his Experian consumer credit report that
  Defendant REDLINE RECOVERY SERVICES LLC. had obtained Plaintiff's
  Experian consumer credit report on December 31st, 2010.
- 10. Discovery of violation brought forth herein occurred on September 18th of 2011 and is within the statute of limitations as defined in FCRA, 15 U.S.C. § 1681p.

# Count I

# VIOLATION OF THE FAIR CREDIT REPORTING ACT (FCRA), 15 U.S.C. §1681 WILLFUL NON-COMPLIANCE BY DEFENDANT CAVALRY PORTFOLIO SERVICES LLC.

- 11. Paragraphs 1 through 10 are realleged as though fully set forth herein.
- 12. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C. § 1681a(c).
- 13. Experian are credit reporting agencies within the meaning of the FCRA, 15

U.S.C. § 1681a(f).

- 14. Consumer credit report is a consumer report within the meaning of the FCRA, 15 U.S.C. § 1681a(d).
- 15. The FCRA, 15 U.S.C. § 1681b defines the permissible purposes for which a person may obtain a consumer credit report.
- 16. Such permissible purposes as defined by 15 U.S.C. § 1681b are generally, if the consumer makes application for credit, makes application for employment, for underwriting of insurance involving the consumer, or is offered a bona fide offer of credit as a result of the inquiry.
- 17. Plaintiff has never had any business dealings or any accounts with, made application for credit from, made application for employment with, applied for insurance from, or received a bona fide offer of credit from the Defendant REDLINE RECOVERY SERVICES LLC.
- 18. At no time did Plaintiff give his consent for Defendant REDLINE RECOVERY SERVICES LLC., to acquire his consumer credit report from any credit reporting agency.
- 19. FCRA in 15 U.S.C. §1681a(r)(4) states: The terms "account" and "electronic fund transfer" have the same meanings as in section 1693a of this title.
- 20. Plaintiff sent notice to REDLINE RECOVERY SERVICES LLC. of their violation of the FCRA. This was in an effort to mitigate damages and reach a settlement for their violation in obtaining Plaintiff's credit report from Experian on December 31st 2010 before taking civil action against them. Plaintiff was not able to settle this matter with defendant prior to litigation.

- 21. On December 31st, 2010 Defendant REDLINE RECOVERY SERVICES LLC. obtained the Experian consumer credit report for the Plaintiff with no permissible purpose in violation of FCRA, 15 U.S.C. § 1681b. At no time has REDLINE RECOVERY SERVICES LLC. provided any valid justification they may have had for obtaining Plaintiff's credit report. Plaintiff has no idea or indication as to what possible alleged account REDLINE RECOVERY SERVICES LLC. could claim to have with him and is positive he had no account with REDLINE RECOVERY SERVICES LLC. which would come under the definition of account in the FCRA in regard to permissible purpose.
- 22. The action of Defendant REDLINE RECOVERY SERVICES LLC. obtaining the consumer credit report of the Plaintiff with no permissible purpose or Plaintiff's consent was a violation of FCRA, 15 U.S.C. § 1681b and an egregious violation of Plaintiff's right to privacy.

Wherefore, Plaintiff demands judgment for damages against Defendant,
REDLINE RECOVERY SERVICES LLC. for statutory damages of \$1000.00,
punitive damages to be

determined by this honorable court, attorney's fees, and costs pursuant to 15 U.S.C. § 1681n.

# **DEMAND FOR TRIAL BY JURY**

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

**Dated July 05, 2012** 

Respectfully Submitted,

Dennis Dane Botkin

231 Chandler Crossing Trail

Round Rock, TX 78665

512-692-7183

Service to:

REDLINE RECOVERY SERVICES LLC. 5959 Corporate Drive Suite 1400 Houston, Texas 77036

Dennis Dane Botkin 231 Chandler Crossing Trail Round Rock, Texas 78665

#### AFFIDAVIT OF COMPLIANT OF DENNIS DANE BOTKIN

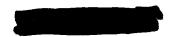
STATE OF TEXAS	)	
	)	SS
COUNTY OF WILLIAMSON	)	

Comes now, Dennis Dane Botkin, your Affiant, being competent to testify and being over the age of 21 years of age, after first being duly sworn according to law to tell the truth to the facts related herein states that he has firsthand knowledge of the facts stated herein and believes these facts to be true to the best of his knowledge.

- 1. In September of 2011, Your Affiant, Dennis Dane Botkin noticed that Redline Recovery Services LLC.obtained Affiants Experian consumer credit report on December 31st, 2010 without permissible purpose (see attached) exhibit A.
- 2. Affiant, Dennis Dane Botkin noticed that such permissible purpose as defined by 15 U.S.C. § 1681b are generally, if consumer makes application for credit, makes application for employment, for underwriting of insurance involving the consumer, or is offered a bona fide offer of credit as a result of the inquiry.
- 3. Affiant, Dennis Dane Botkin has never had any business dealings or any accounts with, made application for credit from, made application for employment with, applied for insurance from, or received a bona fide offer of credit from Redline Recovery Services LLC.
- 4. Your Affiant, Dennis Dane Botkin, at no time did give his consent for Redline Recovery Services LLC. to acquire his consumer credit report from any credit reporting agency.
- 5. The action of Redline Recovery Services LLC. obtaining the consumer credit report of Affiant with no permissible purpose or Affiant's consent was a viollation of FCRA, 15 U.S.C. § 1681b and an egregious violation of Affiant's right to privacy.

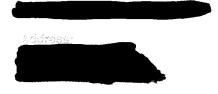
egregious violation of Affiant's right to pri	vacy.
Further, Affiant sayeth naught.	
Dennis Dane Bother	6-21-2012
Dennis Dane Botkin	Date
State of Texas  County of Williamson Traces	
	est .
Subscribed and sworn to (or affirmed) before me or	on this $2\sqrt{2}$ day of June, 2012
By Dennis Dane Botkin, proved to me on the basis	of satisfactory evidence to be the person who appeared
before me.	, reserve the second
Mu (Theastrome (Seal)	ERIKA GREATHOUSE
Notary Public	Notary Public

# **Exhibit A**

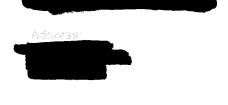


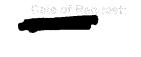
#### REDLINE RECOVERY SERVICE

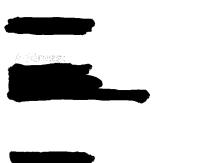
6464 SAVOY DR FL 4 HOUSTON TX 77036 No phone number available 12/31/2010

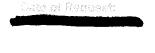
















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# **Personal Information**

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The following information is reported to us by you, your creditors and other sources. Each source may report your personal info differently, which may result in variations of your name, address, Social Security number, etc. As part of our fraud prevention efforts, a notice with additional information may appear. As a security precaution, we did not list the Social Security number that you provided when you contacted us. If any Social Security number variations were reported to us, only the last four digits of each are displayed. Numbers that appear here vary from the number you used to generate this report. Actual differences in these numbers may be part of the displayed portion or part of the hidden portion. The names are listed in no particular order and may include variations of your legal name. The Name identification number is how our system identifies the names associated with respective accounts on your credit report.